IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants:	Steven J. SIMSKE et al.	§	Confirmation No.:		3337
		§			
Serial No.:	10/715,179	§	Group Art Unit:		2151
		§			
Filed:	11/17/2003	§	Examiner:	Khanh Q. Dinh	
		§			
For:	Email Application With	§	Docket No.:		200310947-1
	User Voice Interface	§			

REPLY BRIEF

Mail Stop Appeal Brief – Patents   Date: August 28, 2008
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Examiner's Answer dated June 30, 2008, Appellants submit this Reply Brief for further consideration by the Board.

In the Examiner's Answer dated 06/30/08, the Examiner maintained the rejections to claims 1-29 as being anticipated by U.S. Pat. No. 6,907,112 ("*Guedalia*"). Appellants respectfully disagree with the Examiner's interpretation of the claimed limitations and the anticipation requirements.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the...claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, in part, requires that "the email application summarizes email messages." The Examiner improperly maintains that *Guedalia's* email with a link to an audio message is comparable to Appellants' claimed email summarization. See Examiner's Answer, page 10, first paragraph. Email summarization as in claim 1 extracts the most important words, sentence, etc., from an email message to facilitate email browsing. For example, a user could decide whether to read or

skip an entire email by first reading the summary. In contrast, *Guedalia* would require a user to click on a link just to begin hearing an audio copy of an entire email message. In a best case scenario, *Guedalia's* user doesn't know the context of an email until listening to at least part of an email message. In a worst case scenario (an email message with the most contextual information at the end of the email), *Guedalia's* user would have to listen to the entire email just to determine whether the email is important. In either case, *Guedalia's* email browsing is not any better (and is potentially worse since a user can't read the audio message) than standard email browsing due to the lack of email summarization.

The Examiner also improperly maintains that *Guedalia's* text-to-audio conversion process is comparable to Appellants' claimed email summarization. See Examiner's Answer, page 10, first paragraph. Parsing email text into pieces during text-to-audio conversion is not email summarization. In *Guedalia*, there is no contextual determination of which email sentences should be parsed (all sentences of an email message would be parsed as part of the conversion). Further, *Guedalia's* parsing technique is unrelated to determining which words/sentences of an email message are most important and is thus unrelated to email summarization as in claim 1.

Claims 11 and 19, in part, require "selecting a mode for sequencing through a plurality of emails according to a voice command." The Examiner improperly maintains that *Guedalia* teaches this limitation at Figs. 6, 7 and col. 30, line 51 – col. 31, line 58. See Examiner's Answer, page 13, first bullet point; and page 15, first bullet point. The Examiner's citation simply describes *Guedalia's* text-to-audio converter for multiple users. Browsing emails by telephone as in *Guedalia* is not the same as selecting a mode for sequencing through a plurality of emails as in claims 11 and 19. *Guedalia's* users appear to begin email browsing just by dialing a telephone number rather than by selecting an email sequencing mode (*e.g.*, one of multiple sequencing modes) as in claims 11 and 19. Further, dialing a telephone number to begin email browsing as in *Guedalia* does not involve a voice command as in claims 11 and 19.

Claim 19 further requires "dynamically changing content presentation of a select email according to a voice command of the user." The Examiner improperly maintains that *Guedalia* teaches this limitation at Figs. 6, 7 and col. 30, line 51 – col. 31, line 58. See Examiner's Answer, page 15, first bullet point. *Guedalia's* text-to-audio converter does not dynamically change content presentation of a select email according to a voice command of the user. During *Guedalia's* presentation of an email (*e.g.,* after a user dials in), the text-to-audio conversion has already occurred and is not dynamically changed according to a voice command as in claim 19. As an example, Appellants' specification describes using the voice commands "expand," "contract," "next instance of current topic," "repeat," "skip to end," and "email string" to control the presentation of email content. *Guedalia* has no such teaching.

Claim 26, in part, requires "means for changing an email sequencing mode according to a voice command of the user" and "means for dynamically changing email content presented to a user according to a voice command of the user." For much the same reasons as given for claim 19, *Guedalia* does not anticipate these limitations.

For the reasons stated above as well as in Appellants' principle brief, Appellants respectfully submit that the Examiner erred in rejecting all pending claims. It is believed that no extensions of time or fees are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. § 1.136(a), and any fees required (including fees for net addition of claims) are hereby authorized to be charged to Hewlett-Packard Development Company's Deposit Account No. 08-2025.

Respectfully submitted,

/Alan D. Christenson/

HEWLETT-PACKARD COMPANY	Alan D. Christenson, Reg. No. 54,036
Intellectual Property Administration	CONLEY ROSE, P.C.
Legal Dept., M/S 35	(713) 238-8000 (Phone)
P.O. Box 272400	(713) 238-8008 (Fax)
Fort Collins, CO 80527-2400	ATTORNEY FOR APPELLANTS